

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jerry L. Toms)	Examiner:
)	Douglas A. Hess
Serial No.	:	09/920,230)	
)	Art Unit:
Cnfrm No.	:	5306)	3651
)	
Filed	:	August 1, 2001)	
)	
For	:	DEVICE AND SYSTEM FOR USE IN)	
		IMAGING PARTICULATE MATTER)	

NOTICE OF APPEAL AND THREE MONTH EXTENSION OF TIME

MAIL STOP: **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decision dated October 27, 2006, finally rejecting claims 1-7 and 10.

Applicants hereby request an extension of time of three months from the due date of January 27, 2007.

Please charge the \$250 appeal fee and the \$510 extension of time fee to Deposit Account No. 14-1138. Any additional fees or any overpayment can be charged/credited to Deposit Account No. 14-1138.

Respectfully submitted,

Dated: April 27, 2007

/Edwin V. Merkel/
Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600